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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,876	11/04/2003	Satoshi Nishikawa	00862.023296.	3495
5514	7590	02/04/2009	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			WILLS, LAWRENCE E	
30 ROCKEFELLER PLAZA			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/699,876	<b>Applicant(s)</b> NISHIKAWA, SATOSHI
	<b>Examiner</b> LAWRENCE E. WILLS	<b>Art Unit</b> 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 November 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3,4,11,13,14,21,23,24 and 31-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3,4,11,13,14,21,23,24 and 31-33 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/11/2008

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments with respect to claims 1, 4, 11, 14, 21, 24, and 31-33 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4, 11, 14, 21, 24, 31, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livingston (US Patent No. 7,061,632) in view of Perry (US Patent No. 7,159,190).

Regarding claims 1, 11, and 21 Livingston'632 teaches an information processing apparatus comprising a first display unit (number 300, Fig. 3) configured to display a first setting screen (304, Fig. 3) to set an entire mode defining a mode to be applied to the entire document (applies the feature to every page in the document, column 5, lines 18-19) . Livingston'632 fails to teach the mode being a color, a second display unit configured to display a second setting screen to set a partial mode defining the mode to be applied to a predetermined unit of the document data, wherein the second setting screen is different from first setting screen, and a print data generating unit configured to

generate print data so that a printer prints a printed material on which the color mode defined by the partial color mode is applied to the predetermined unit and the color mode defined by the entire color mode is applied to the remaining portion of the document data to which the partial color mode is not applied, when the entire color mode is set in accordance with an instruction input via the first setting screen displayed by said first display unit and the partial color mode is set in accordance with an instruction input via the second setting screen displayed by said second display unit.

Perry'190 teaches the mode being a color mode (notice color cast, and output color, number 317, Fig. 6B), a second display unit (Exception Pages – Properties, 406, Fig. 6B) configured to display a second setting screen (image quality, 320, Fig. 6B) to set a partial mode (exception pages, Fig. 6B) defining the mode to be applied to a predetermined unit of the document data (notice exception pages, 310, Fig. 5), wherein the second setting screen is different from first setting screen (each exception has a separate screen, 340, Fig. 6B), and a print data generating unit (400, Fig. 1) configured to generate print data (print commands, column 3, line 53) so that a printer prints a printed material (prints an image, column 3, line 55) on which the color mode defined by the partial color mode is applied to the predetermined unit (5000, Fig. 3) and the color mode defined by the entire color mode is applied to the remaining portion of the document data to which the partial color mode is not applied (4000, Fig. 3), when the entire mode is set in accordance with an instruction input via the first

setting screen displayed by said first display unit (print job level properties will apply to the entire print job, column 5, lines 29-30) and the partial color mode is set in accordance with an instruction input via the second setting screen displayed by said second display unit (selected tab can then allow a print job exceptions window, column 5, lines 34-35).

Having a system of Livingston'632 reference and then given the well-established teaching of Perry'190 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the selective application system of Livingston'632 reference to include setting image quality to exception pages as taught by Perry'190 reference, since both references teach the setting of special properties to the whole document and a specified number of pages the results of the combination would have been predictable.

Regarding claims 4, 14, and 24, Perry'190 (in combination with Livingston'632) teaches wherein said printing data generating unit determines whether the printer copes with a change of the color mode (print job exception, column 5, lines 44-45), when the printer copes with the change (Step 5000, Fig. 3), generates, by using the generating function, printing data containing the instruction of changing the color mode (5030, yes branch, Fig. 4), and when the printer does not cope with the change (5030, no branch, Fig. 4), generates, by using the generating function, print-data containing no instruction of changing

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the color mode (print job level properties will apply to the entire print job, column 5, lines 29-30).

Regarding claims 31, 32, and 33, Livingston'632 (in combination with Perry'190) teaches wherein the entire color mode is set for specifying whether color printing or monochrome printing is performed for the entire document data (column 8, lines 5-10), and the partial color mode is set for specifying whether color printing or monochrome printing is performed for the predetermined unit of the document data (column 8, lines 10-15).

4. Claims 3, 13, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livingston (US Patent No. 7,061, 632) in view of Perry (US Patent No. 7,159,190) as applied to claim 1, 11, and 21 above, and in further view of Petz (WO 2002/82362 A2—US Patent Application Pub. No. 2004/0187087 is used in lieu of English translation).

Regarding claims 3, 13, and 23, Livingston'632 fails to teach wherein the predetermined unit of the document data is a chapter formed by a plurality of original pages.

Petz'362 teaches the predetermined unit of the document data is a chapter formed by a plurality of original pages, (notice Fig. 6A).

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Having a system of Livingston'632 reference and then given the well-established teaching of Petz'362 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image processing system of Livingston'632 reference to include chapters that are formed by a plurality of original pages as taught by Petz'362 reference, since the combination would allow for the user to have greater control over the output of a print job.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Onishi (US Publication No. 2004/0061897)

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will

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be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE E. WILLS whose telephone number is (571)270-3145. The examiner can normally be reached on Monday-Friday 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

LEW  
February 2, 2009